

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HUNG M. NGUYEN,

Plaintiff,

v.

CACHE CREEK CASINO RESORT,

Defendant.

No. 2:20-cv-01748-TLN-KJN

ORDER

Plaintiff Hung M. Nguyen (“Plaintiff”), who is proceeding *pro se*, brings this civil action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 4, 2020, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen (14) days. (ECF No. 5.) On September 10, 2020, Plaintiff filed a notice stating he did not object to the findings and recommendations. (ECF No. 6.)

Accordingly, the Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

1 1983); *see also* 28 U.S.C. § 636(b)(1). Having reviewed the file under the applicable legal
2 standards, the Court finds the Findings and Recommendations to be supported by the record and
3 by the magistrate judge's analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Findings and Recommendations filed on September 4, 2020 (ECF No. 5), are
6 adopted in full;

7 2. Plaintiff's Motion to Proceed *In Forma Pauperis* (ECF No. 2) is DENIED;

8 3. Plaintiff is ordered to pay the applicable filing fee of \$400, on a monthly payment plan
9 of \$50 per month, due on the first day of each month, with the first payment to be made no later
10 than November 1, 2020;

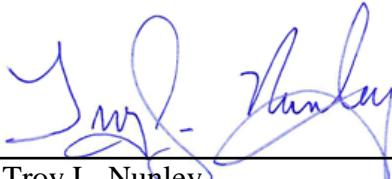
11 4. Once the first payment of \$50 is made, the magistrate judge may direct the Clerk of the
12 Court to issue the appropriate service documents and scheduling orders; and

13 5. Plaintiff is informed that a failure to timely pay the filing fee on the first of each
14 month, or to timely request an extension of time to do so, may result in dismissal of the action
15 pursuant to Federal Rule of Civil Procedure 41(b).

16 IT IS SO ORDERED.

17 DATED: October 6, 2020

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Troy L. Nunley
United States District Judge